

Article 19: Southeastern San Diego Planned District

(“Southeastern San Diego Planned District” added 3-27-2007 by O-19599 N.S.; effective 4-26-2007.)

Division 2: Permits and Procedures

(“Permits and Procedures” added 3-27-2007 by O-19599 N.S.; effective 4-26-2007.)

§1519.0201 Permit Application

- (a) No permit shall be issued for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration or enlargement of any buildings, structure or improvement, or for the occupancy of any building or structure or for the grading, subdivision or street actions for any site in any portion of the Southeastern San Diego Planned District until approval of the appropriate decision maker has been obtained by the applicant or owner in compliance with the development criteria contained herein. Applications for grading permits, tentative maps and street actions shall not be accepted unless concurrent application is made for a Southeastern Development Permit and/or building permit, or until the City Manager determines such action may proceed independent of said permits.
- (b) All minor additions, minor structural changes and curb cuts shall not require a Southeastern Development Permit. Minor additions shall be any construction project consisting of less than 25 percent of the gross square foot floor area of the existing structure and attached to the existing structure. Minor additions may not include the addition of a residential dwelling unit or any change which may allow an increase in density. All minor additions, structural changes, curb cuts, garage conversions and any other changes, shall conform to the development criteria of the underlying zone and may be approved or denied by the City Manager, in accordance with Process One. Application for zone variance shall be consistent with Land Development Code Chapter 12, Article 6, Division 8 (Variance Procedures), or shall be processed consecutively with any required discretionary action. Minor additions and structural changes in the Sherman Heights and Grant Hill Park Historic Districts may require a Southeastern San Diego Historic Permit. See Section 1519.0203.
- (c) An application for a variance, subdivision, and change of street name shall be acted upon in accordance with the applicable provisions of Land Development Code Chapter 12, Article 5 (Subdivision Procedures) and Chapter 12, Article 6 (Development Permits).

- (d) Any change in use shall require landscaping, fencing, signage, outdoor storage enclosures, on-site parking where possible and a toxics disclosure statement where applicable, to be provided as required by the Southeastern San Diego Planned District Ordinance.
- (e) Land Development Code Chapter 12, Article 7, Division 1 (General Review Procedures for Previously Conforming Premises and Uses) shall apply except that expansion or enlargement of previously conforming uses shall not be permitted.
(*“Permit Application” added 3-27-2007 by O-19599 N.S.; effective 4-26-2007.*)

§1519.0202 Southeastern San Diego Development Permit

- (a) A Southeastern San Diego Development Permit shall be required for:
 - (1) Multi-family residential projects of four or more units.
 - (2) Projects sited on or adjacent to environmentally sensitive areas, including hillsides, creek/drainage areas, and other areas within the Community's Open Space System.
 - (3) Commercial and industrial development.
 - (4) Move-on buildings to assure that they are properly integrated into the neighborhood.
 - (5) Uses requiring a Conditional Use Permit.
- (b) An application for a Southeastern San Diego Development Permit, including fees or deposits, shall be processed in the same manner as an application for a Site Development Permit, in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing) and Chapter 12, Article 6, Division 5 (Site Development Permit Procedures).
- (c) An application for a Southeastern San Diego Development Permit may be approved, conditionally approved or denied by a Hearing Officer in accordance with Process Three. If the Hearing Officer determines that the application is complete and conforms with all City regulations, policies, guidelines, design standards and density, the Hearing Officer may approve or conditionally approve the Southeastern San Diego Development Permit if all of the following facts exist:

- (1) The proposed use and project design meet the purpose and intent of the Southeastern San Diego Planned District Ordinance, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council;
 - (2) The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable;
 - (3) The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity; and
 - (4) The proposed use will comply with the relevant regulations of the Municipal Code.
- (d) The Hearing Officer's decision on an application for a Southeastern San Diego Development Permit may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506.

("Southeastern San Diego Development Permit" added 3-27-2007 by O-19599 N.S.; effective 4-26-2007.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

§1519.0203 Southeastern San Diego Historic Permit

- (a) A Southeastern San Diego Historic Permit is required for the commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, or demolition of any existing building or structure within the Sherman Heights or Grant Hill Park Historic Districts, any structure which is proposed to be moved into the historic districts, or grading. The Southeastern San Diego Historic District boundaries are designated on Map Drawing Numbers C-737 and C-788 and are shown in Appendix H.

- (b) A Southeastern San Diego Historic Permit is not required for interior modifications, repairs or remodeling, nor any exterior repairs or alterations for which a permit is not now required with the exception of fences, porch repairs, painting or stuccoing or other exterior siding, renewal of roof coverings and window replacement.
- (c) This section does not supersede, change, amend nor in any way alter the manner, method or requirements of the review procedures for any designated City of San Diego historical site by the Historical Resources Board.
- (d) Applications for permits shall be made in accordance with Land Development Code Section 112.0102. Exceptions to application procedure:
 - (1) No application fee/deposit is required for fencing, painting, or renewal of roof coverings.
 - (2) Any development project which would otherwise require a Southeastern San Diego Development Permit shall follow all regulations of the Southeastern San Diego Planned District Ordinance as a combined Southeastern San Diego Development Permit and Southeastern San Diego Historic Permit. Where there is a conflict in the design criteria between the Southeastern San Diego Planned District development criteria and the Design Criteria and Guidelines for the historic districts, the Sherman Heights and Grant Hill Park Historic District Design Criteria and Guidelines, Ordinance No. OO-16893-2 shall apply.
 - (3) No application fee/deposit is required for the rehabilitation of owner-occupied single family structures.
- (e) The City Manager may approve or deny an application for a Southeastern San Diego Historic Permit in accordance with Process One. The permit shall be approved if it complies with the regulations contained within the Southeastern San Diego Planned District Ordinance, and the Sherman Heights and Grant Hill Park Historic District Design Criteria and Guidelines, Ordinance No. OO-16893-2.
- (f) The City Manager may request that the Historical Resources Board review special projects that require design review for consistency with existing structures in the Historic District.
- (g) An approved Southeastern San Diego Historic Permit expires and is void 36 months after the "Date of Final Action" of the permit if the permit is not utilized in the manner set forth in Land Development Code Section 129.0216 and Section 129.0217.

- (h) The expiration date of a valid Southeastern San Diego Historic Permit may be extended in accordance with Land Development Code Section 129.0219. The City Manager shall notify the recognized community planning group with responsibility for the area where the project is proposed of any extension of time requests.

("Southeastern San Diego Historic Permit" added 3-27-2007 by O-19599 N.S.; effective 4-26-2007.)

§1519.0204 Design Review

- (a) The Southeastern Economic Development Corporation's Board and the recognized community planning group with responsibility for the area where the project is proposed shall advise the City Council, Planning Commission and City Manager on matters of design review, as follows:
- (1) Prior to any action being taken on any discretionary permit for projects within the Southeastern Community Planned District, copies of said permit shall be forwarded and reviewed by the Southeastern Economic Development Corporation's Board and the recognized community planning group with responsibility for the project area where the project is proposed.
 - (2) All parties shall provide the appropriate decisionmaker with a recommendation on said discretionary permit submittals within 30 calendar days of receipt of the proposal. Recommendations shall be provided as required in a timely fashion.
 - (3) In order to assure the highest standards of quality of development within the Southeastern San Diego Economic Development Corporation's redevelopment and preliminary plan areas, and to protect the City's investment in the area, the Southeastern Economic Development Corporation's Board shall make recommendations on design review for discretionary development permits within its area of responsibility.
 - (4) The recognized community planning group with responsibility for the area where the project is proposed shall review discretionary permits in the manner established by Council Policy 600-24 which provides for community review of ongoing projects and plan implementation.

- (5) Both the Southeastern San Diego Economic Development Corporation and the recognized community planning group with responsibility for the area where the project is proposed shall prepare an annual report outlining actions on projects requiring a Southeastern Development Permit to the City Manager by no later than July 1 of each year.

(b) Neighborhood Focus

Additional focused development criteria are established per neighborhood requirements as contained in Appendix D through Appendix T.
(*“Design Review” added 3-27-2007 by O-19599 N.S.; effective 4-26-2007.*)

§1519.0205 Alcoholic Beverage Establishments

(a) Application

Within the boundaries of the Southeastern San Diego Planned District no establishment shall offer for sale or other consideration, alcoholic beverages, including beer, wine and distilled spirits, without demonstrating compliance with Section 1519.0205(b) and (c).

(b) Alcoholic Beverage Sales for Off-Site Consumption

Establishments for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an application has been submitted to, the California Department of Alcohol Beverage Control, for permission to sell alcoholic beverages for off-site consumption are regulated by Section 151.0401 and Land Development Code Section 141.0502.

(c) Alcoholic Beverage Sales for On-Site Consumption

Establishments for which a Type 41 or 47 License (restaurants) or a Type 42 or 48 License (bars) has been obtained from, or for which an application has been submitted to, the California Department of Beverage Control, that have dancing or live entertainment on the premises or that serve alcoholic beverages in conjunction with a billiard or pool hall, bowling alley, or adult entertainment establishment, shall obtain a Conditional Use Permit in accordance with Process Three. Conditions addressing the following issues may be imposed by the decision maker:

- (1) Entertainment uses or activities or amusement devices on the premises;
- (2) Hours of operation of the business;
- (3) Security measures; and
- (4) Lighting, litter, graffiti or nuisance abatement, or any other special requirements for the premises.

(“Alcoholic Beverage Establishments” added 3-27-2007 by O-19599 N.S.; effective 4-26-2007.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)